

PATENT  
Serial Number 09/826,715  
Attorney's Docket No. 00-4023

### REMARKS

This supplementary amendment under Rule 116 is responsive to the Advisory Action of April 19, 2005 and is further responsive to the Final Office Action of December 28, 2004. This supplementary amendment supplements the Rule 116 amendment filed on March 28, 2005 which did not place this application in condition for allowance.

Applicant hereby cancels claims 1-19 and 30-32 without prejudice to, or disclaimer of, the subject matter recited in the claims. Applicants reserve their rights to pursue these canceled claims in a continuation or other patent application. After this claim cancellation, claims 20 and 22-29, which were allowed in the Final Office Action, remain pending.

Accordingly, this application is now in condition for allowance, and passage to issue of claims 20 and 22-29 is respectfully requested.

The action taken in this supplemental amendment is based, at least in part, on a telephone conversation between Applicants' undersigned representative and the Examiner which took place on April 25, 2005. This was a productive telephonic exchange in which Applicants' undersigned representative emphasized a fundamental difference between Applicants' approach and prior art Fantz's approach to identifying phoneme boundaries.

As discussed in that telephone conversation (and as presented in the Remarks in the Rule 116 amendment filed on March 28, 2005), in an embodiment of Applicants' invention the number of humps or peaks in a first frame plot of cepstral coefficients is

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compared with the number of humps or peaks in a subsequent frame plot of cepstral coefficients. A relatively large difference in the number of humps or peaks from one plot to the other identifies a phoneme boundary. Applicants' measurement is not concerned with cepstral coefficient values or difference in those values, per se, but is concerned with the difference in the number of frame plot humps from one frame to the next. For example, three humps/peaks in a first plot and ten humps/peaks in a second plot provides a difference of "seven" humps or bumps or peaks between those two frame plots. If this is a relatively large number, then this may identify a phoneme boundary.

By contrast, in a fundamentally different way, prior art Fantz is concerned with VALUE of the cepstral coefficients, not with the number of peaks or humps appearing in successive cepstral coefficient frame plots. Fantz compares the value of the cepstral coefficients in one frame plot with the value of cepstral coefficients in a second frame plot and looks for maximum value-difference in the cepstral coefficients. This has absolutely nothing to do with Applicants' novel technique of comparing numbers of humps or bumps or peaks that appear in successive frame plots. Counting the total number of humps in a plot is fundamentally different from measuring the value(s) of the entities being plotted in that plot.

After explaining this fundamental difference between Applicants' invention and the disclosure of Fantz to the Examiner in the telephone conversation referenced above, the Examiner suggested that the filing of the instant amendment along with the filing of a continuation application, rather than the filing of an appeal, may be the more efficient manner in which to proceed for the purpose of pursuing an allowance of the presently-unallowed claims. Accordingly, Applicants shall proceed with the filing of a

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continuation application for the unallowed claims during the pendency of the instant  
application.

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CONCLUSION

In view of the foregoing supplemental amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of all pending claims.

The amendments made herein merely cancel unallowed claims and therefore do not necessitate further searching by the Examiner. Accordingly, it is respectfully submitted that this supplemental amendment should be entered under 37 C.F.R. § 1.116.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

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